

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

<b>ARTHUR J. CLEMENS JR.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 4:17-cv-02381-NCC</b>
	)	
<b>LOCAL ONE, SERVICE EMPLOYEE</b>	)	
<b>INTERNATIONAL UNION, TOM</b>	)	
<b>BALANOFF, LAURA GARZA, and</b>	)	
<b>NANCY CROSS,</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM OF DEFENDANTS IN OPPOSITION TO PLAINTIFF’S MOTION FOR  
DEFAULT JUDGMENT AND MOTION FOR SUMMARY JUDGMENT**

Plaintiff filed a Motion for Default Judgment against Defendant Local One and a Motion for Summary Judgment on November 15, 2017. Both motions were predicated on Defendant Local One having untimely filed its Answer to Plaintiff’s Complaint. On November 9, 2017 this Court had ordered Defendant Local One to Show Cause why it’s Answer should not be stricken. Defendant Local One responded to the Court’s Order and on November 16, 2017 the Court entered its Order granting the request for an extension of time for the filing of the Union’s Answer. Further the Court ordered that the Answer be deemed timely filed by all Defendants.

The Court having entered its Order of November 16, 2017 the Motion for Default Judgment and the Motion for Summary Judgment predicated on an untimely filing of Defendant Local One’s Answer are moot.

WHEREFORE Defendant Local One pray this Court deny Plaintiff’s Motions as moot.

Respectfully submitted,

Schuchat, Cook & Werner

/s/George O. Suggs  
George O. Suggs (M.B.E. #31641)  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 21st day of November, 2017, the foregoing document was filed via electronic system and a true copy was served upon Arthur J. Clemens, Jr. by United States Mail postage prepaid to the following:

Arthur J. Clemens, Jr.  
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/s/George O. Suggs